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U.S. DISTRICT COURT
NORTHERN DISTRICT OF OHIO
CLEVELAND

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

COLIN TENNEBAR,

Defendant.

) INDICTMENT

) JUDGE GAUGHAN

) CASE NO. 1:18 CR 129

) Title 18, Section 1001(a)(2),
) United States Code
)
)

Count 1

(False Statements to Law Enforcement, 18 U.S.C. § 1001(a)(2))

The Grand Jury charges:

A. BACKGROUND

At all times relevant to the indictment:

1. Healthcare Essentials, Inc. ("HEI") was a corporation formed in the State of Ohio that distributed medical supplies. HEI primarily distributed negative pressure therapy systems ("wound care vacuums"), which promote wound healing by delivering negative pressure to patients' wounds.

2. Kinetic Concepts, Inc. ("KCI"), was a corporation that was part of a consortium of companies owned by Acelity, L.P., a non-operating holding company, with its global headquarters located in San Antonio, Texas. KCI developed, manufactured, and distributed its

proprietary wound care vacuums. KCI maintained exclusive rights over the sale and distribution of its wound care vacuums.

3. Defendant COLIN TENNEBAR provided funds to R.T., not charged herein, to assist in HEI's startup. COLIN TENNEBAR and R.T. were twin brothers.

4. The Federal Bureau of Investigation ("FBI") was conducting an investigation into suspected violations of Title 18, United States Code, Sections 1341 (Mail Fraud); 1343 (Wire Fraud); 1349 (Conspiracy to Commit Wire Fraud and Mail Fraud) and 2314 (Interstate Transportation of Stolen Goods) associated with HEI's suspected distribution of KCI wound care vacuums.

B. APRIL 12, 2017

5. On April 12, 2017, the FBI executed judicially-authorized search warrants at R.T.'s residence, at HEI's office, and at a business mailbox at a commercial mailing facility, all of which were located in Brecksville, Ohio. R.T. was present at his residence at the time Agents began to execute the search warrant and was advised that the FBI was conducting a criminal investigation.

6. During an interview with FBI employees, R.T. denied that he had any off-site storage location. R.T. was permitted to leave his residence.

7. R.T. traveled to a Lowe's Home Improvement Store in Northfield, Ohio. R.T. purchased a pair of metal bolt cutters.

8. COLIN TENNEBAR and R.T. met at a location on Wallings Road, and later on West Mill Road, in Broadview Heights, Ohio. R.T. entered COLIN TENNEBAR's vehicle.

9. COLIN TENNEBAR and R.T. traveled to the Storage Zone self-storage facility on Brecksville Road, Brecksville, Ohio.

10. COLIN TENNEBAR and R.T. used the bolt cutters to remove a lock from a storage unit that R.T. rented and used for the storage of HEI records, documents, and other objects.

11. Upon gaining access to the storage unit, COLIN TENNEBAR and R.T. removed boxes containing records and other items believed to be of evidentiary value.

C. APRIL 13, 2017

12. As part of the investigation, the FBI interviewed COLIN TENNEBAR on or about April 13, 2017, and asked specifically about the locations to which COLIN TENNEBAR and R.T. drove after leaving Storage Zone and the whereabouts of the items removed from the storage unit.

13. On or about April 13, 2017, the FBI, acting within its jurisdiction, was investigating the whereabouts of the items that COLIN TENNEBAR and R.T. removed from the Storage Zone facility.

D. THE VIOLATION

14. On or about April 13, 2017, in the Northern District of Ohio, Eastern Division, Defendant COLIN TENNEBAR, knowingly and willfully made materially false, fictitious, and fraudulent statements and representations to Federal Bureau of Investigation employees, in a matter within the jurisdiction of the executive branch of the Government of the United States, that is; when asked about the locations to which he and R.T. traveled after leaving the Storage Zone, COLIN TENNEBAR told the FBI employees that after he and R.T. left the Storage Zone, they drove to Rockside Road and put the items removed from the Storage Zone in a dumpster behind the FedEx store in Independence by Drug Mart. COLIN TENNEBAR well knew this statement was false, as he did not drive to the FedEx store in Independence by Drug Mart. Instead, COLIN TENNEBAR and R.T. drove to a location in North Olmsted, Ohio.

In violation of Title 18, United States Code, Section 1001(a)(2).

A TRUE BILL.

Original document – Signatures on file with the Clerk of Courts, pursuant to the E-Government Act of 2002.